

ADVISORY OPINION 93-003

Any advisory opinion rendered by the registry under subsection (1) or (2) of this section may be relied upon only by the person or committee involved in the specific transaction or activity with respect to which the advisory opinion is required. KRS 121. 135(4).

February 8, 1993

Mr. William (Mack) Bushart
Marshall County PVA
110 Main Street
Courthouse
Benton, Kentucky 42025

Re: Advisory Opinion Request

Dear Mr. Bushart:

On behalf of yourself and all the members of your organization, you have asked how KRS 121.045 Contribution to certain candidates or slates of candidates by individuals prohibited applies to property valuation administrators (PVA) in Kentucky?

A subquestion to your general question would read:

Does KRS 121.045 prohibit property owners in a county from contributing to the campaign of an incumbent PVA or a challenger to the office?

The Kentucky Court of Appeals has spoken on these questions. In Lee v. Commonwealth, KY.App., 565 SW2d 634 (1978), the court interpreted KRS 121.045 by stating:

We...declare unconstitutional so much of KRS 121.045 as prohibits donations to the election campaigns of candidates for the office of property valuation administrator by persons whose property he may assess. Id., at 638.

This is because:

The obvious purpose intended by KRS 121.045 was to prohibit bribes, coerced donations from employees, and the payment for votes. Id., at 636 (citations omitted.)

Since the language of the 1978 version of KRS 121 045 is nearly identical to the language of the 1992 version, as applied to PVAs, the Registry will follow this interpretation.

This opinion is based upon the course of action outlined in your letter. If you should have any more questions, please give us a call. Thank you.

Sincerely,

Timothy E. Shull
General Counsel

TES/dt